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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,871	12/23/1999	HENRY C. YUEN	YUN-12802/03	6718

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EXAMINER

NGUYEN, LE V

ART UNIT PAPER NUMBER

2174

DATE MAILED: 05/06/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/470,871

Applicant(s)

YUEN, HENRY C.

Examiner

Le Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 2/13/2003.
2. Claims 1-10 are pending in this application. Claim 1 is an independent claim. In Amendment A, claim 7 was cancelled and claim 1 was amended. This action is made Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

Claim Rejections - 35 USC § 103

4. Claims 1-4, and 8 are rejected under 35 U.S.C. 103(a) as being obvious over Matsuda ("Matsuda", US 6,346,956) in view of Brady et al. ("Brady", US 5,434,927).

As per claim 1, Matsuda teaches a method of user interaction on the world-wide web, comprising the steps of:

defining/displaying a virtual world using at least one web site, the virtual world including a virtual geographic terrain with a set of virtual locations to a plurality of visitors to the virtual world (col. 6, lines 54-62, *virtual locations such as Tokyo or New York with geographic terrain consisting of buildings and roads*), each being interconnected to the web site through the world-wide web (col. 27, lines 63-65);

identifying each visitor to the virtual world with a symbol superimposed on the geographic terrain (col. 3, lines 10-13, *an avatar representing the user is capable of moving around in the three-dimensional space*); and

establishing a common metric (*shared space*) with respect to each visitor, enabling one visitor to interact with another visitor in accordance with the metric (col. 28, lines 19-21 *users in a shared space play catch*).

Furthermore, Matsuda teaches a virtual world wherein a visitor may traverse within the virtual world and update his/her current location. Matsuda does not teach that this updating process allows predicting a next location. Brady teaches a method for tracking objects in a virtual environment wherein potential future positions are predicted (col. 4, lines 30-34). It would have been obvious to an artisan at the time the invention was made to combine Matsuda's teaching with Brady's method in order to improve response time. However, the method of Matsuda and Brady still does not explicitly disclose the use of cache memory. Official Notice is given that the use of cache memory was well known in the art at the time of the invention. Therefore, it would have been obvious to an artisan at the time of the invention to include the use of this feature with the method of Matsuda and Brady in order to provide users quick access to data resulting in a more immediate presentation of the next location.

As per claims 2 and 3, Matsuda teaches the step of defining a spatial perspective within the virtual world using one or more vanishing points (fig. 10, *a vanishing point behind avatar D is used to give the perception of depth*) wherein different visitors see the virtual world from a different perspective (figs. 10 & 11 and *respective portions of the specification describes a view see from avatar C and a view seen from avatar D*).

As per claim 4, Matsuda teaches the method of user interaction wherein the virtual locations include one or more virtual commercial enterprises offering goods or services for purchase by the visitors (col. 13, lines 7-10).

As per claim 8, Matsuda teaches the method of user interaction wherein the interaction between two visitors is textual (col. 28, lines 4-18).

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda in view of Brady as applied to claim 1, and further in view of Cheng (US 6,396,509).

As per claims 5 and 6, Matsuda teaches the step wherein the avatar of the user can change his/her setting preferences inside the virtual world (col. 3, lines 10-13). However, Matsuda does not teach the step of using the visitor/avatar preferences to determine the level of interaction between two visitors/avatars. Cheng teaches a virtual environment wherein a profile is used in the consideration process of communication between avatars (col. 21, lines 27-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combining Cheng's teaching of using preferences as a factor in determining level of interaction to Matsuda. The motivation for the combination is to save time by glancing through a profile to determine whether communication is desirable.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda in view of Brady as applied to claim 1, and further in view of Leahy et al. ("Leahy", US 6,219,045).

Matsuda teaches a user interaction method allowing participants to communicate with each other audibly (col. 12, lines 17-29). However, Matsuda does not disclose communication among participants to be communication among visitors. Leahy teaches a virtual world wherein the communication between two avatars, being all visitors, is audible (col. 4, lines 59-62). It would have been obvious to an artisan at the time the invention was made to combine Leahy's teaching with Matsuda's method to allow visitors capabilities of exchanging ideas/information.

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7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuda in view of Brady as applied to claim 1, and further in view of Redman et al. ("Redman", US 5,696,892).

Matsuda teaches the symbol for a visitor is a person (figs. 10-11, D and C respectively). Matsuda does not teach whether the person is a real-life graphical representation of that visitor. Redman teaches a virtual reality environment with realistically portrayed, photo-likeness of a real-world person (col. 4, lines 40-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Redman's teaching of photo-likeness of a person in a virtual world to Matsuda. Motivation for the combination is a design preference wherein a user prefers a more realistic representation of himself/herself.

Response to Arguments

8. Applicants' arguments in Amendment A have been fully considered but they are not persuasive.

In response to applicant's argument that Brady is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Matsuda teaches tracking objects in a virtual environment wherein a current location is updated; however, Matsuda does not teach that this updating process allows predicting a next location. The teaching that is taken from Brady teaches tracking objects in a virtual environment wherein potential future positions are predicted. (col. 4, lines 30-34). Therefore, it would have been obvious to an artisan at the time

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the invention was made to combine Matsuda's teaching with Brady's method in order to improve response time.

Conclusion

9. Applicant's amendment necessitated the new grounds) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquires

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lê Nguyen whose telephone number is **(703) 305-7601**. The examiner can normally be reached on Monday - Friday from 8:00 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

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The fax numbers for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 746-7239 [Official Communication]

(703) 746-7240 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Lê Nguyen
Patent Examiner
May 5, 2003

Kristine Kincaid
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SUPERVISORY PATENT EXAMINER
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